

REMARKS

Reconsideration of this application, without amendment, is now being requested. Claims 1-16 are now in this application.

Claims 1-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Camp, Jr. (US Patent number 6,084,544) in view of Stein et al. (US 2003/0008669). Specifically, the office action alleges that Stein discloses the limitation of “performing failure detection using the selected ranging measurements associated with the first and second ranging sources to determine whether either of the first or second ranging sources failed.” Pages 10, paragraph 119 through page 11, paragraph [1]30 and Figures 1 and 6 were cited in support thereof. Applicants respectfully disagree. First, applicants do not believe a prima facie case of obviousness has been established. Stein is currently an application with a filing date of April 24, 2002. Stein claims priority as a continuation in part from non-provisional applications serial numbers 09/933629 and 09/904330. Stein also claims priority from provisional applications serial numbers 60/286274 and 60/299315. The present application was filed prior to April 24, 2002 but not prior to the priority dates from which Stein claims. However, applicants believe that the portions of Stein cited by the Examiner in support of his rejection is new matter not entitled to the benefits of the earlier filing dates from which priority is claimed. Applicants have reviewed the two non-provisional applications and two provisional applications and cannot find the cited portions of Stein disclosed therein.

Second, even if the cited portions of Stein was not new matter, applicants does not believe that it discloses the limitation of “performing failure detection using the selected ranging measurements associated with the first and second ranging sources to determine whether either of the first or second ranging sources failed” (underline added). Stein teaches a geometric test for determining whether a received signal is from a repeater (see first sentence of paragraph [0125]. A failed geometric test would indicate that the received signal is from a repeater (see last sentences of paragraph [0126] and [0128]). By contrast, claim 1 of the present invention recites “performing failure detection...to determine whether either of the first or second ranging sources failed.” That is, claim 1 is testing for malfunction of the first or second ranging source. Claim 1 is not testing to determine the source of a received ranging signal. Accordingly, it is felt that claim 1 is patentable under 35 U.S.C. §103(a) over Camp. in view of Stein.

Claims 2-10 depend upon, and include all the limitations of, claims 1. Accordingly, it is felt that claims 2-10 are patentable under 35 U.S.C. §103(a) over Camp. in view of Stein.

Claim 11 recites similar limitations to claim 1. In particular, claim 11 recites the limitation of "performing failure detection using the selected ranging measurements to determine whether any of the ranging sources failed." For the same reasons stated earlier with respect to claim 1, it is felt that claim 11 is patentable under 35 U.S.C. §103(a) over Camp. in view of Stein.

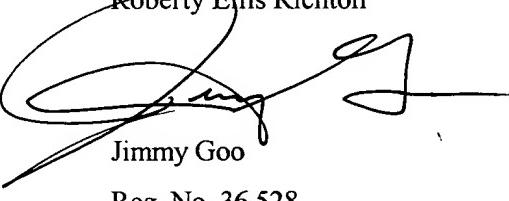
Claims 12-16 depend upon, and include all the limitations of, claims 11.

Accordingly, it is felt that claims 12-16 are patentable under 35 U.S.C. §103(a) over Camp. in view of Stein.

Respectfully submitted,

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